

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tileyah Williams	Team: Squad #3	CCRB Case #: 202100877	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 07/14/2019 10:00 PM	Location of Incident: In front of 15 East Kingsbridge Road	Precinct: 52	18 Mo. SOL 1/14/2021	EO SOL 8/31/2021	
Date/Time CV Reported Mon, 02/08/2021 9:03 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 02/08/2021 9:03 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Tara Paprota	16745	955294	052 PCT
2. SGT Michael Whooley	02673	943951	052 PCT
3. POM Christopher Leonard	16224	960796	DBBX

Officer(s)	Allegation	Investigator Recommendation
A.POM Christopher Leonard	Force: Police Officer Christopher Leonard used physical force against § 87(2)(b)	
B.POM Christopher Leonard	Force: Police Officer Christopher Leonard hit § 87(2)(b) against a vehicle.	
C.POF Tara Paprota	Force: Police Officer Tara Paprota hit § 87(2)(b) against a vehicle.	
D.POF Tara Paprota	Force: Police Officer Tara Paprota used physical force against § 87(2)(b)	
E.SGT Michael Whooley	Force: Sergeant Michael Whooley used physical force against § 87(2)(b)	
F.POM Christopher Leonard	Abuse: Police Officer Christopher Leonard forcibly removed § 87(2)(b) to the hospital.	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

Case Summary

On February 8, 2021, § 87(2)(b) filed this complaint via CCRB call processing system.

On July 14, 2019, at approximately 10:00 p.m., § 87(2)(b) was in front of 15 East Kingsbridge Road in the Bronx waiting for the westbound BX 9 bus. The bus arrived and by the time that § 87(2)(b) got to the bus doors, the bus driver closed them and did not open them for § 87(2)(b). § 87(2)(b) then stood in front of the bus to prevent it from driving away. The bus driver flagged down Police Officer Christopher Leonard and Police Officer Tara Paprota of the 52nd Precinct. PO Paprota and PO Leonard attempted to get § 87(2)(b) out of the street and in doing so, PO Leonard pushed § 87(2)(b) toward the sidewalk (**Allegation A: Force, § 87(2)(g)**). PO Leonard then allegedly forcefully pushed § 87(2)(b) up against a delivery truck while PO Paprota allegedly pushed his head into the truck (**Allegation B: Force, § 87(2)(g)** and **Allegation C: Force, § 87(2)(g)**). Both officers then handcuffed § 87(2)(b) and PO Leonard called an ambulance for § 87(2)(b). PO Leonard then issued § 87(2)(b) criminal court summons # § 87(2)(b) for § 87(2)(b). Sergeant Michael Whooley of the 52nd Precinct arrived at the location and the officers and EMT § 87(2)(b) escorted § 87(2)(b) to the ambulance. As they put § 87(2)(b) into the ambulance, PO Paprota allegedly pushed § 87(2)(b) forward into the ambulance causing his face to hit the ambulance floor (**Allegation D: Force, § 87(2)(g)**). Sgt. Whooley then held § 87(2)(b)'s handcuffed wrists and pulled his arms upward as he and PO Paprota carried § 87(2)(b) to the ambulance bed (**Allegation E: Force, § 87(2)(g)**). § 87(2)(b) was then removed to the hospital (**Allegation F: Abuse of Authority, § 87(2)(g)**).

§ 87(4-b) § 87(2)(g)

According to DAO, PO Leonard resigned from the NYPD on December 27, 2019 (**01 Board Review**).

The investigation obtained body-worn camera footage (BWC) from PO Leonard (**02 Board Review**).

Findings and Recommendations

Allegation (A) Force: Police Officer Christopher Leonard used physical force against

§ 87(2)(b)

Allegation (B) Force: Police Officer Christopher Leonard hit § 87(2)(b) against a vehicle.

Allegation (C) Force: Police Officer Tara Paprota used physical force against § 87(2)(b).

It is undisputed that on July 14, 2019, at approximately 10:00 p.m., § 87(2)(b) stood in

front of a westbound BX 9 bus at 15 East Kingsbridge Road in the Bronx and prevented it from moving. It is also undisputed that PO Paprota and PO Leonard arrived at the location and moved § 87(2)(b) from the front of the bus. It is under dispute how they moved § 87(2)(b) § 87(2)(b).

Allegation A was not alleged by § 87(2)(b) and is being plead based on the BWC footage.

§ 87(2)(b) testified that 30 minutes prior to him arriving to the bus stop, he had two or three beers to help him with his back pain but he was not intoxicated nor was he under the influence of drugs (**03 Board Review**). When the bus arrived, the driver let people get on the bus but as § 87(2)(b) got to the bus doors, the driver closed the doors and began to pull off. A car drove from the left side of the bus to the front of the bus and the bus driver had to slam on the brakes to stop the bus. § 87(2)(b) then tossed his walker in front of the bus to prevent it from moving. He then walked 10 feet in front of the bus and stood there. The driver could not have pulled off if he wanted to. § 87(2)(b) asked the driver why he did not allow him on the bus and the driver told § 87(2)(b) through his opened window to get out of the way. § 87(2)(b) did not move. A few moments later, PO Paprota and PO Leonard arrived at the location. PO Leonard immediately walked to § 87(2)(b) § 87(2)(b) took him by one arm, pulled it behind his back and pushed his full upper body against the back of a delivery truck hard and forcefully. PO Paprota then forcefully pushed the right side of § 87(2)(b)'s head against the truck. PO Paprota and PO Leonard then placed § 87(2)(b) in handcuffs.

PO Leonard's BWC recording from IA 106 starting at thirty seconds shows that PO Paprota and PO Leonard approach the bus while the driver yells out of the window that § 87(2)(b) § 87(2)(b) had not let him move the bus for half an hour (**02 Board Review**). § 87(2)(b) then tells PO Paprota that he had a broken hip and wanted to ride the bus home. PO Paprota and PO Leonard then repeatedly tell § 87(2)(b) to walk toward the sidewalk and get out of the street. Both officers speak to § 87(2)(b) in a friendly manner and § 87(2)(b) responds in a slightly elevated voice. PO Paprota proceeds to remove § 87(2)(b)'s walker from the front of the bus. PO Paprota tells § 87(2)(b) that he can get on the next bus and he declines this and says that he wants to get on that bus. § 87(2)(b) does not move from the front of the bus. At 1:00 minute, PO Leonard raises his voice and tells § 87(2)(b) § 87(2)(b) that he is "going or that he is going to the hospital". At 1:11 minute, § 87(2)(b) raises his right hand and air punches outward toward the bus and tells the bus driver, "Go to hell baby". § 87(2)(b) then takes his walker from PO Paprota and starts to walk toward the sidewalk.

§ 87(2)(b) stops mid-walk and tells PO Paprota that he is Jesus Christ, at which point, PO Leonard uses the tips of his fingers on his left hand to push § 87(2)(b)'s right upper arm and tells him to get out of the street. § 87(2)(b)'s body then moves a couple steps toward the sidewalk because of the push. § 87(2)(b) then turns around and faces PO Leonard and tells him, "You put your fucking hands on me again, that's assault already". At this time, PO Paprota is using two of her hands on § 87(2)(b)'s outer forearms to guide him toward the sidewalk. PO Leonard then tells § 87(2)(b) "You're going to go to the hospital in two seconds, I'm telling you". § 87(2)(b) then swings his right arm

backward, out of PO Paprota's grip and asks PO Leonard to repeat what he said. PO Leonard repeats that § 87(2)(b) would be going to the hospital. § 87(2)(b) says, "Oh really, you're going to put me in the hospital because that guy done done that?" § 87(2)(b) stood still while he said this and used his hands to point to the driver and then to himself while speaking. At 1:34 minute, PO Leonard walks toward § 87(2)(b) and § 87(2)(b) then goes out of view of the camera. § 87(2)(b) can be heard saying "What are you doing?", "Ya'll got this on film?" Everybody got it on film?". At 1:47 minutes, § 87(2)(b) goes back into view and is now being held against a white delivery truck. PO Leonard says, "What did I tell you, you want to go down on the ground?". At 1:53 minutes PO Paprota can be seen with her right hand on § 87(2)(b)'s upper back. § 87(2)(b) appears to be standing still. PO Paprota and PO Leonard then both bring § 87(2)(b)'s wrists to the back of his body and they place handcuffs on him while he asks, "What are you doing?" and states, "You just bust my head up against the wall". The footage further shows that PO Leonard goes over the radio at 3:10 minutes and asks for an ambulance for an intoxicated male. The footage did not show whether PO Leonard pushed § 87(2)(b) forcefully against the delivery truck nor did it show whether PO Paprota forcefully pushed the side of § 87(2)(b)'s head up against the delivery truck.

PO Paprota testified that she was on patrol driving around with PO Leonard when she noticed an MTA driver waving his arm to the officers from his open window (**04 Board Review**). PO Paprota understood that to mean that the driver wanted the officers to stop. When PO Paprota approached the bus driver, he asked them to get § 87(2)(b) from in front of the bus. PO Paprota observed that § 87(2)(b) was standing in front of the bus alone and was yelling and threatening people around him, although she did not remember what § 87(2)(b) said. § 87(2)(b) was also moving his arms around with two arms up, palms facing his face, with his elbows facing outward and his hands going in a backward and forward motion. These hand movements made PO Paprota feel threatened. PO Paprota did not recall § 87(2)(b) appearing to be under the influence of alcohol or drugs. There were people walking up and down Kingsbridge Road but none of them got involved with the officers and § 87(2)(b).

PO Paprota did not recall what she said but knew that she tried to get § 87(2)(b) out of the street. She recalled asking § 87(2)(b) if he needed help to get on the bus and he declined this. PO Paprota did not recall whether she learned what happened with § 87(2)(b) before she got there. She was able to eventually get § 87(2)(b) out of the street so that the bus could get by but did not recall how she was able to do that. She got § 87(2)(b) out of the street because he was blocking an MTA bus. PO Paprota knew that she walked with § 87(2)(b) while getting him out of the street, but she did not recall whether she put hands on him to assist him.

PO Paprota did not recall seeing PO Leonard using one his hands to push § 87(2)(b) toward the sidewalk to get him out from the middle of the street. PO Paprota did not recall seeing PO Leonard take § 87(2)(b) by one arm, pull it behind his back and push him forcefully against a delivery truck and she did not recall doing this. PO Paprota did not recall seeing PO Leonard push the right side of § 87(2)(b)'s head up against a delivery truck and she did not recall whether she did this.

According to the BWC and officers' testimony, Sgt. Whooley had not yet arrived at the location.

Since PO Leonard resigned, the investigation was not able to obtain his testimony.

§ 87(2)(g)

[REDACTED]

§ 87(2)(b) testified that PO Paprota and PO Leonard pushed his body up against the back of a delivery truck. PO Paprota did not recall this, and the investigation did not obtain a statement from PO Leonard because he no longer works for the NYPD. The BWC footage did not have a full view of the interactions between § 87(2)(b) and the officers at the time where the alleged misconduct would have occurred. The recording did show that § 87(2)(b) ended up against the truck but did not show whether any force was used to get him there. § 87(2)(g)

[REDACTED]

Allegation (D) Force: Police Officer Tara Paprota used physical force against § 87(2)(b).

Allegation (E) Force: Sergeant Michael Whooley used physical force against § 87(2)(b).

Allegation (F) Abuse of Authority: Police Officer Christopher Leonard forcibly removed § 87(2)(b) to the hospital.

It is undisputed that PO Leonard called an ambulance for § 87(2)(b) and that there was an issue with getting § 87(2)(b) into the ambulance when it arrived. Sgt. Whooley arrived around the same time that the ambulance got there. Officers had to assist § 87(2)(b) in getting into the ambulance. § 87(2)(g)

[REDACTED]

§ 87(2)(b) testified that approximately five minutes after he was handcuffed, an ambulance arrived. He also saw Sgt. Whooley standing outside of the ambulance (**03 Board Review**). Sgt. Whooley told § 87(2)(b) to get onto the ambulance because he was going to the hospital. § 87(2)(b) asked why he was being taken to the hospital and told the officers that there was no reason why he needed to go to the hospital. Sgt. Whooley then stepped up into the ambulance while PO Leonard pushed § 87(2)(b) forward into the ambulance causing his face to hit hard on the ambulance floor. From inside of the ambulance, Sgt. Whooley then reached over § 87(2)(b)'s head, held him by handcuffs and pulled his wrists toward the front of § 87(2)(b)'s head. Sgt. Whooley then carried § 87(2)(b) like this. PO Paprota and PO Leonard carried § 87(2)(b) by his feet into the ambulance and onto a stretcher. He was then transported to § 87(2)(b) in the Bronx.

PO Leonard's BWC footage from IA 106, starting at 16:30 minutes shows that PO Paprota is holding onto § 87(2)(b)'s rear-cuffed arms and asks him to step onto the ambulance. At this point, they are standing in front of the open side door of the ambulance. § 87(2)(b) tells her that if she takes the handcuffs off him, he will be able to get up. He then says, "I can't get on the god damn ambulance with the handcuffs that tight". Sgt. Whooley then says, "I'll help you sir," walks around to the back of the open ambulance doors, and steps into the ambulance. EMT § 87(2)(b) pats § 87(2)(b) on his back, tells him to relax and asks § 87(2)(b) if he will let him help § 87(2)(b) out. § 87(2)(b) tells EMT § 87(2)(b) that he is in pain from what the "motherfucker back there done" and to "look at PO Leonard". § 87(2)(b) then said that, he would, "Kick PO Leonard's ass and his god damn teeth out". Sgt. Whooley then tells § 87(2)(b) from the inside of the ambulance, in a calm manner that he isn't going to do any of that. Sgt. Whooley puts his left arm under § 87(2)(b)'s right arm and tells him to step up. PO Paprota is behind § 87(2)(b) guiding him by touching his back toward the side ambulance door. EMT § 87(2)(b) is standing to the left of the open door and tells Sgt. Whooley to hold on and tells § 87(2)(b) to put one foot up. § 87(2)(b) first tells the officer and EMT § 87(2)(b) to take his handcuffs off and that he does not need their help. § 87(2)(b) then tells them to let him get on the bus and that he can ride the bus home. At this time, no one is touching § 87(2)(b) and they stand and listen to him. PO Leonard then turns his body away from § 87(2)(b) PO Paprota, Sgt. Whooley and EMT § 87(2)(b).

At 17:26 minutes, when PO Leonard turns back around, his camera shows a full view of the side door of the ambulance along with PO Paprota and EMT § 87(2)(b) who are outside of the ambulance door, and of Sgt. Whooley, who is on the inside of the ambulance. § 87(2)(b)'s body cannot be seen, as he is not standing upright. PO Paprota appears to be making some contact with the back of § 87(2)(b)'s body but the contact cannot be seen because § 87(2)(b) is in front of her and her back is facing the camera. At 17:28 minutes, PO Paprota moves her hands from § 87(2)(b)'s back area to his feet and picks him up by his feet. At this point, § 87(2)(b) is horizontal with his upper body slightly elevated. Sgt. Whooley uses two of his hands to hold § 87(2)(b)'s upper right arm to carry him. The officers and § 87(2)(b) then go further into the ambulance and out of view. PO Leonard says, "Well I guess that's how we're doing things". The footage does not show how § 87(2)(b) went from standing upright to being horizontal.

PO Paprota testified that she did not recall how she or PO Leonard informed § 87(2)(b) that he would be going into an ambulance **(04 Board Review)**. PO Paprota knew that § 87(2)(b) needed to go to the hospital when she first approached him because he was standing in front of a bus refusing to get on the bus, was yelling and moving his arms around in a threatening manner. When the ambulance arrived for § 87(2)(b) she needed to assist him up the steps and onto the ambulance because it was too high for him. She did not recall how she assisted § 87(2)(b) but stated that usually, she would hold onto his arms and put her hands on his lower back so that he would not fall backward. PO Paprota did not recall if any other officers helped § 87(2)(b) get into the ambulance but stated that usually there would not be just one officer helping because the step to get into the ambulance was pretty high.

PO Paprota did not recall seeing an officer push § 87(2)(b) forward into an ambulance and she did not do this. PO Paprota did not recall seeing § 87(2)(b)'s face hit the ambulance floor and she did not recall seeing an officer pick § 87(2)(b) up by his feet. PO Paprota testified that she did not pick § 87(2)(b) up by his feet. PO Paprota did not recall seeing an officer stand in front of § 87(2)(b) while in the ambulance, hold him by his wrists and handcuffs, and pull them upward toward his head and carry him to the hospital bed and nor did she do this. PO Paprota did not recall who made the decision to remove § 87(2)(b) to the hospital.

After reviewing the BWC footage, PO Paprota initially did not recall how § 87(2)(b) got from standing upright to being horizontal in the ambulance. After watching this recording for a second time, PO Paprota said that it appeared that § 87(2)(b) tripped on the first step. She clarified that she said that she did not pick § 87(2)(b) up by his feet because she did not remember doing so.

Sgt. Whooley did not recall most of the details regarding this incident **(05 Board Review)**. He testified that he was called to the location by either PO Leonard or PO Paprota because they wanted his assistance with an emotionally disturbed person. He did not remember whether the officers provided him with details regarding the incident. When he arrived at the location, he saw that the ambulance had also arrived. Sgt. Whooley did not remember if he assisted § 87(2)(b) in getting into the ambulance. Sgt. Whooley did not remember who called the ambulance nor did he know who made the decision to remove § 87(2)(b) to the hospital. Sgt. Whooley did not remember whether he saw an officer push § 87(2)(b) forward into the ambulance. He did not remember seeing § 87(2)(b)'s face hit the ambulance floor nor did he remember seeing § 87(2)(b) being carried by his feet by an officer. Sgt. Whooley did not remember whether he held § 87(2)(b) by his handcuffs and pulled his wrists toward the front of § 87(2)(b) head to carry him to an ambulance bed. Sgt. Whooley did not remember why § 87(2)(b) was removed to the hospital but knew that people are usually removed to the hospital when they pose a danger to themselves and others.

After reviewing PO Leonard's BWC from IA 106, Sgt. Whooley said that he did not know how or why § 87(2)(b) went from standing upright to being horizontal in the ambulance. He did not know how PO Paprota helped § 87(2)(b) onto the ambulance and he did not

see an officer push § 87(2)(b)

EMT § 87(2)(b) testified that when he arrived at the location, officers told him something about § 87(2)(b) and a bus (**06 Board Review**). He did not know if it was about § 87(2)(b) being a nuisance on the bus or standing in front of the bus. § 87(2)(b)'s breath smelt like alcohol and he did not cooperate when the officers asked him to get onto the ambulance. This behavior along with § 87(2)(b)'s breath led § 87(2)(b) to believe that § 87(2)(b) was intoxicated. EMT § 87(2)(b) tried to get § 87(2)(b) into the ambulance but § 87(2)(b) refused to get inside. He said that there was nothing physically stopping § 87(2)(b) from getting into the ambulance and that he was able to walk while handcuffed. EMT § 87(2)(b) noted that if there were some physical restriction, he would have gotten a stretcher for § 87(2)(b). EMT § 87(2)(b) did not recall how § 87(2)(b) got in the ambulance and believed that he either walked into it or was brought up in a stretcher. EMT § 87(2)(b) did not recall how § 87(2)(b) was positioned when he was transported to the hospital. § 87(2)(b) did not recall an officer pushing § 87(2)(b) into the ambulance. He did not recall § 87(2)(b)'s head hitting the ambulance floor and nor did he recall an officer carrying § 87(2)(b) by his wrists or pulling § 87(2)(b)'s wrists toward the front of his head. If EMT § 87(2)(b) witnesses any mistreatment on the part of an officer against a civilian, he would be required to generate an incident report. He did not recall whether he generated an incident report regarding this incident.

After reviewing part of PO Leonard's BWC recording, EMT § 87(2)(b) acknowledged that he told the sergeant to hold on and did not recall why. He stated that he was probably telling him that there was another way to get § 87(2)(b) into the ambulance (**06 Board Review**).

There was no indication of NYPD mistreatment in § 87(2)(b)'s medical records (**07 Board Review**). His diagnosis was a contusion of the wrist.

NYPD Aided Report # § 87(2)(b) prepared for § 87(2)(b) by PO Leonard notes that he was emotionally disturbed, verbally and physically threatened others, placed himself in a dangerous situation, was under the suspected influence of alcohol, and stood in the middle of the street stopping traffic from moving freely (**07 Board Review**). Criminal court summons # § 87(2)(b) also notes that § 87(2)(b) obstructed traffic (**08 Board Review**).

§ 87(2)(b) alleged that PO Leonard pushed him into the ambulance and that both PO Leonard and PO Paprota carried him by his feet, however PO Leonard's BWC showed that PO Leonard was not in a position to push § 87(2)(b) (**02 Board Review**). PO Paprota was in a position to push § 87(2)(b) and BWC shows that she carried him by his feet into the ambulance. § 87(2)(g)

According to NYPD Patrol Guide Procedure 221-13, an emotionally disturbed person is a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to

himself or others (**09 Board Review**). When officers determine that a person is dangerous to themselves or others, necessary force may be used to prevent serious physical injury or death.

§ 87(2)(g)

[REDACTED]

PO Leonard's BWC footage shows that while he is assisting § 87(2)(b) to get onto the ambulance, Sgt. Whooley first contacts § 87(2)(b) by standing to the side of him and attempting to guide him up the ambulance steps by putting his arm under § 87(2)(b)s. Sgt. Whooley then held onto § 87(2)(b) by one of his upper arms and carried him further into the ambulance. § 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(4-b) § 87(2)(g)

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) is a party to one other CCRB complaint and has been named as a victim of four allegations (**11 Board Review**).
 - § 87(2)(b)
- PO Paprota has been a member of service for eight years and has been a subject in one other CCRB complaint and three other allegations, none of which were substantiated.
§ 87(2)(g)
- PO Leonard has been a subject in three other CCRB complaints and 18 allegations, one of which was substantiated. The investigation was unable to determine how long PO Leonard has been a member of service.
 - Case 201703660 involved a substantiated allegation of a vehicle search against PO Leonard. The Board recommended formalized training and the NYPD imposed formalized training. § 87(2)(g)
- Sgt. Whooley has been a member of service for 14 years and has been a subject in nine other CCRB complaints and 20 allegations, five of which were substantiated. Cases 202104187 and 202000559 are still active.
 - Case 201407041 involved substantiated allegations of physical force, frisk, search of a person, vehicle stop and vehicle search. The Board Recommended charges for physical force and Command Discipline for the other allegations. Sgt. Whooley was found not guilty.
 - Sgt. Whooley's CCRB history shows that he has seven previous force allegations, none of which were substantiated.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of August 18, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (**12 Board review**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 3

Investigator: Tileyah Williams
Signature

Investigator Tileyah Williams
Print Title & Name

08/27/2021
Date

Squad Leader: Olga Golub IM Olga Golub 12/09/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date